

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 20-50034

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

ADAM RYAN SWIFT,

Defendant.

The Defendant states the following facts are true, and the parties agree that they establish a factual basis for the offense(s) to which Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3).

On February 24, 2020, Special Agent Kristopher Serra, Federal Bureau of Investigation (FBI) assigned in New York state, was working in an undercover capacity on Kik Messaging Service, a social networking and private messaging service, internet application. SA Serra was in a Kik Group titled "Family fun room (No limits)." SA Serra received a private message from Kik user "Ranger_danger89," later identified as Adam Ryan Swift, Box Elder, South Dakota. The name associated with Ranger_danger89 was listed as "Adam Ryan." During the conversation via Kik Messenger, "Adam Ryan" and SA Serra's undercover persona (hereinafter "UC") discussed being "active." SA Serra knew "Active" to be a chat term used to describe people who are sexually active, usually meaning with children. During the conversation, "Adam Ryan" stated that he

was "active" with his 4-year-old son and 7-year-old stepson. The UC advised "Adam Ryan" they were "active" with their 9-year-old stepchild. As the conversation continued, they wrote about where each of them lived. The UC Persona advised "Adam Ryan" that he lived in New York. "Adam Ryan" stated he lived in the United States but did not immediately identify where. "Adam Ryan" asked the UC for photographs of the alleged UC persona's 9-year-old stepchild. The UC stated he had only clothed images, as he did not keep "nudes" on his phone. The UC asked "Ryan" if he had photos. "Adam Ryan" replied "Same. Clothed except one of my stepson." "Adam Ryan" then sent a photograph of himself that appeared to have been taken in a vehicle. There is a young boy visible in the back seat of the vehicle in a child restraint seat. "Adam Ryan" sent a second photograph of a young boy taken in what appears to be a grocery store and the child is sitting in a shopping cart.

The conversation continued and the UC asked "Adam Ryan" if he preferred "boys or girls." "Adam Ryan" replied "Both." "Adam Ryan" asked the UC what he preferred. The UC informed him that he had a little girl, but had never been with a boy. "Adam Ryan" asked the UC to send photographs of the girl. The UC then sent a UC photograph of a female child. The UC had previously identified the age of the "girl" as 9 years old. After the UC complied with "Adam Ryan's" request for photos of his 9-year-old step-daughter, "Adam Ryan" replied "Yummy, I love them younger than that!" "Adam Ryan" asked the UC what he had done with the girl. The UC responded, in a manner implying the UC had

engaged in sexual penetration with the child. The UC asked "Adam Ryan", "You got any vids?" "Adam Ryan" initially responded that he did not have any of him. The UC then asked for "anything young?" Ryan then sent a video titled:

Bdd7beac-af8a-4cef-82a3-67e1052ad1f4.mp4 – This is a 1:49 video of an adult male and a female child who appears to be approximately 10-12 years of age. When the video begins the child is lying on her left side and the male is positioned near her buttocks on his knees. The male is masturbating. 6 seconds into the video the video scene changes and the child is seen on her back with her legs spread and the adult male is vaginally raping her with his penis. The rape continues through 1:15 in the video when the scene again changes to the male masturbating and ejaculating on the child's face.

Thereafter, the UC commented about the high-heeled shoes the girl wore in the video. The UC then asked "Adam Ryan" where in the United States he was located. "Adam Ryan" sent a second video titled:

933552a1-21f8-4b0b-b502-f13b3390aada.mp4 – This is a 36 second video of a female child who appears to be approximately 5-7 years of age. The video shows the female child being orally raped by an adult penis. This continues to 32 seconds into the video when the camera pans to the child's buttocks.

After sending the two videos, "Adam Ryan" responded to the UC's question asking where he lived in the United States. "Adam Ryan" replied "South Dakota." The conversation continued and the UC asked "Adam Ryan" "Whats (sic) your youngest." "Adam Ryan" replied, "My son was 2 when I sucked him. I ate out a newborn girl fairly often. I babysat her for about a year. Licked her pussy all the time." The conversation continued and "Adam Ryan" and the UC discussed whether their wives knew of what they were doing and both stated their wives did not know. The conversation concluded on February 24, 2020.

SA Serra prepared a report and sent it to South Dakota law enforcement who, with additional investigation identified 30-year-old Adam Ryan Swift through IP addresses, email addresses, and his Facebook account.

ICAC Commander Brent Gromer then contacted United States Homeland Security Investigations Special Agent Scott Beagle. SA Beagle commonly works on line in an undercover capacity. He asked SA Beagle to offer Swift the opportunity to communicate with him via Kik Messaging Service. SA Beagle introduced himself to Swift, via the Ranger_danger89 Kik user account on March 10, 2020, writing, "24f.26m.5yo.active fam here", meaning, the "family" was made up of a 24-year-old female, a 26-year-old male, and a 5-year-old child who were "active" as described above. Swift thereafter responded. During the conversation, SA Beagle portrayed himself as a 24-year-old female with a 5-year-old daughter. Swift informed SA Beagle's UC Persona that he was engaged to be married and had two children, ages 4 and 6. During the conversation SA Beagle and Swift exchanged photographs. The photograph provided by Swift again matched the previously described photographic identification. SA Beagle asked Swift, "So what r u into? Looking for?" Swift replied "Into anything no limits. Looking for other taboo families and ideally one that would let me use their daughter one day." SA Beagle's UC persona stated they have let "outsiders in for our daughter" and reminded him the "daughter" was 5 years old. Swift replied, "I love it" then added, "The youngest I've had was 3." SA Beagle's persona asked about Swift's experience. Swift wrote, "Friends (sic) kid and being raised

that way.” A couple of messages later SA Beagle’s persona asked Swift if he was “active” and if he was serious about meeting with the UC persona’s daughter. Swift replied, “Yes I’m serious and active”. SA Beagle’s persona asked Swift with whom he was “active”. Swift wrote he was “active” with his son and later added, “I suck him”. Swift and SA Beagle’s persona wrote about how long each of them had been “active” and how they had begun in the “lifestyle”. As the conversation continued, SA Beagle’s persona asked Swift what Swift wanted to do with the UC’s “daughter”. Swift replied, “I’d love to eat her out and fuck her pussy”. SA Beagle’s persona again reminded Swift the child was only 5 years old and not allowed to engage in penetration. Swift then wrote, “I’ll eat her out as much as I can”. Swift asked SA Beagle’s persona, “So you don’t want to do anything with my son?” Swift told SA Beagle’s persona that she could do “anything you want”, and added “I want to watch you suck him”. Swift and the UC wrote about whether their significant others knew about the abuse with the children. Swift advised his fiancé did not know he was abusing his son. As the conversation continued, Swift asked the UC for photographs of the child. At Swift’s prompting, they also discussed arranging a time to meet and “swap” the children. They talked about a workable schedule for the meeting. They set Friday, March 20, 2020, as the potential for an initial meeting date.

Swift continued to write about what the child would like. He asked the UC, “She enjoy being ate out?” When the UC replied, “Yes”. Swift wrote, “Good!

I want her sitting on my face". Swift asked the UC if he would allow "gentle fingering" of the girl. Swift went on and asked the UC "She suck (sic) cock yet?"

The conversation continued and the UC and Swift further discussed being in the "lifestyle". Swift informed the UC, "I was used by my dad and brother and was allowed to eat my sister out but never allowed to fuck her." The conversation continued and the UC mentioned a Kik group to which she belonged and asked Swift if he wanted to join. When Swift answered affirmatively, the UC stated Swift could, but that Swift would have to "verify." Gromer explained that "verify" means to send a proof-of-life-type video to show the person is not law enforcement. Swift agreed and sent a video of himself to the UC. In the video, Swift was in a car talking to the camera and stated, among other things that, "Today is March 10th".

During the conversation, Swift and the UC also wrote about what each other did for jobs. Swift informed the UC that he was a Manager at Fox Den Store-it. Swift asked the UC several questions about "her and her husband" and "the lifestyle". Swift told the UC, "I think you'll love sucking on my son. He loves having it done!" He told the UC, "He likes to moan and place his hand on my head while I do it". When the UC questioned him about the veracity of this statement, Swift explained, "It's just an orgasmic moan. It's just a simple moan". Swift asked the UC if "she" wanted him to "prove it". The UC discouraged Swift from proving he was sexually abusing his son. The conversation on March 10, 2020, concluded shortly after.

On March 19, 2020, SA Beagle received additional messages from Swift via Kik Messenger. Swift told the UC that he had just gotten back and asked the UC "how's your princess". The UC asked Swift if it still worked to meet on March 20, 2020. Swift replied, "To show you video and pics?" The UC then wrote that she meant for the previously discussed meeting on March 20, 2020. Swift then said he could not meet on March 20, 2020 because he had to work until 8 pm. He said he would be available to meet over the weekend of March 21, 2020 and March 22, 2020. The UC asked Swift what he meant by sending pics and vids". Swift explained, "I can send you pictures and videos of my son while I play with him". Again, the UC discouraged Swift from doing that. Swift added that he would be off on Wednesday, March 25, 2020, and would be available to meet then. Swift informed the UC that he would create live videos while he abused his son or would do a live chat while he abused his son. The UC corrected him about dates available for meeting and Swift wrote that he liked a woman who "took charge". The UC informed him that she was not into him. Swift replied, "I know that", "And you aren't really my type, I just like when women take charge". Swift then told the UC, "I can't wait to taste your princess's pussy". The UC suggested when they met for the first time, that Swift leave his son at home and Swift could just meet with the UC's daughter. Swift wrote "Yeah? I'd love that!", and added "Have you watch me use her as my own little fuck toy", "Think she would enjoy my tongue?" and added "I'd love to feel her tight pussy on a finger

too". The UC Persona asked Swift if he would be able to meet right away. Swift said he wished that he could, but indicated he was currently working.

When the UC confronted Swift that the communications were just "fantasy," Swift replied, "I'm serious!" and added "I'm very horny and hard for her right now." The UC again reminded Swift she was only 5. They then agreed that Swift would contact the UC at approximately 5:00 pm Mountain time on March 19, 2020 to inform whether he was available to meet that night. When Swift replied he said he was not available that night and set a plan to meet either that weekend or the following Wednesday.

On Monday, March 23, 2020, Swift inquired of the UC, "What all do you want me to do with her on Wednesday?" The UC responded, "U tell me. Honestly we dont (sic) care. Been a brat lately". Swift asked, "Yeah? How so?" The UC replied, "Just 5yo stuff. Anyway." Swift then wrote, "Oh, ok" and added, "I'd love to start by bathing her and stroking her young pussy lips in the bathwater. Then after she is all dry, have mommy and daddy hold her hands and legs while I taste her. Once I get her pussy nice and swollen, i (sic) will finger fuck her good and deep." The UC replied, "Were good with that." Swift then added, "Good! Where am I allowed to cum? I know not in her pussy, but can I make her open her mouth for it, or cum on her face, or cum on her pussy?" The UC said they would discuss specifics on Wednesday. The UC then inquired about Swift's son. Swift then wrote, not in response to the UC's question, "Where do you want to

meet first? Or just want me to show up at your house?" Then he responded regarding his son writing, "He is good. He missed me."

Swift informed the UC, "One of my biggest desires is to have a multifamily home where anyone's kids and spouses are fair game for play." Swift then assured the UC they would meet "tomorrow," the 25th, and again he asked where they would meet. Swift later asked for a picture of the UC and her "hubby" and the UC refused. They then discussed the need for secrecy regarding Swift's abuse of the UC's daughter and he added, "I wouldnt (sic) want it getting around what you will do with my son." Swift then wrote, "Have play dates for the kids as often as possible," and "I'm excited to watch you explore his body and play with him and let him taste you," and "it will be a great experience." Swift then sent the UC a picture of a young boy, smiling at the camera. After that, Swift wrote, "I honestly do want this to become a regular thing with the 5 of us!"

Swift then wrote of his concerns that his soon-to-be victim would be "uncomfortable" and "nervous." The UC informed Swift that the girl would like it if he brought her a coloring book or lip-gloss. The UC further encouraged Swift to bring her those items because they "were not charging" him for sex with the girl.

When the UC asked Swift what he wanted the UC to do with Swift's son, Swift responded, "I want to watch you such on his dick and teach him to lick your pussy. If you wanted to try to get him to slide into you, that would be a bonus. But whatever you're comfortable with!" Swift then informed the UC he

would help “slide it in” and that he would “hold it up” with his “fingers” and she could “sit down on it.” And, “I’d love to see how he reacts to tasting your pussy. I think he would love it.” Swift then suggested that the two children engage in sex acts with one another. After asking whether the UC’s “daddy” tried to get the child to “suck him,” Swift added, “Then I’d like her to do that to me and to P.S.” P.S. is his son’s name. The UC then verified that Swift was not bringing his son to the March 25 meeting and Swift agreed it would be “just us 4” and sent a picture of himself in front of storage lockers. Swift then admitted that he had been, “turned on and hard all morning knowing how close its getting.”

Later in the communications, Swift said he intended to sexually abuse his 4-year-old son “tonight” (March 24, 2020). Based on that, law enforcement decided to change plans from meeting on March 25, 2020, to March 24, 2020, to avoid the opportunity for him to abuse his son. The UC asked if Swift would be willing to meet with her husband in order to put their minds at ease and to set up the specifics of the sexual encounter on the 25th. The UC offered that her husband go to Swift’s location of employment to achieve the meeting, Swift agreed and provided his work’s location information, the Fox Den Store-It on Moon Meadows Rd. in Rapid City. They agreed that the UC’s husband would pull up out front and Swift would leave his work and meet in order for the UC’s husband to make sure the situation was legitimate and to provide Swift with the address he would go to the following day to sexually abuse the 5-year-old girl. Swift informed the UC he had a meeting until 4:45pm.

Several law enforcement officers surveilled that location and verified Swift's car was there. Swift sent a message to the UC saying his meeting was over and the UC's husband could go to meet him. Utilizing another local UC agent, law enforcement proceeded to Swift's work. Beagle continued to communicate with Swift and informed Swift of the vehicle description the local UC was driving.

Just before 5pm, the local UC pulled into the parking lot of the Fox Den Store-It and Swift immediately left the office, walked to the passenger side of the vehicle and got in. After a brief discussion, Swift told the UC he needed to assist a customer in exiting the gated area of the storage unit, got out of the UC vehicle, walked toward the gate, assisted the customer and got back into the UC vehicle. The UC then mentioned to Swift that he was there to give Swift the address and Swift mentioned being excited for the meeting. At that point, law enforcement arrested Swift.

Swift consented to seizure of his cell phone, laptop computer and a backpack in the office. Swift agreed to an interview. He admitted it was he communicating with the UC, but claimed that it was just about the sexual dialogue and that he would not have engaged in sex with the minor. He also denied sexually abusing his 4-year-old son. Swift also consented to a polygraph. The polygraph resulted in Deception Indicated, meaning that Swift failed the polygraph examination. In the post-polygraph interview, he admitted that when he was 18 years of age he engaged in a sexual relationship with a girl that may

have been 15 years of age at the time. Swift further admitted that his son had touched his (Swift's) penis on two occasions. Swift stated his family are "in home nudists" and he was sitting next to his son, when Swift's son (4 year old, P.S.) reached over and touched the base of Swift's penis. Swift indicated he had told his son that he had his own penis and should not touch others. Swift continued and admitted that Swift had touched P.S.'s penis on one occasion in the bathtub. Swift stated this occurred approximately 2 years prior to March 24, 2020. Swift said he was bathing P.S. and P.S. got an erection. Swift said that he touched the base of P.S.'s penis out of curiosity and described this touch as a prolonged touch.

Forensics of Swift's devices and accounts revealed the defendant produced images of child pornography of his 4-year-old son. The images are of Swift's erect penis, in and around P.S.'s mouth. Several of the images were located on Swift's Gmail account and Swift produced them on September 21, 2018. The other images were located on Swift's cell phone, but were only Thumbnails, so there is not any information on the dates of those images. SA Gromer evaluated the Thumbnail images and believes that P.S. looks younger in those images than in the 2018 images.

Additionally, forensics revealed images of child pornography Swift downloaded off the internet.

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3/24/21

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